



23 MAY 2007

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In re Application of :
SIMMONS *et al* :
U.S. Application No.: 10/565,415 :
PCT No.: PCT/US04/24013 :
Int. Filing Date: 26 July 2004 :
Priority Date: 25 July 2003 :
Attorney Docket No.: UTSG263US :
For: COMPOSITIONS AND METHODS FOR :
HERPES SIMPLEX PROPHYLAXIS :
AND TREATMENT :

DECISION

This decision is in response to applicants' renewed petition under 37 CFR 1.47(a) filed 20 February 2007.

BACKGROUND

On 03 January 2007, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed. Applicants were given two months to respond.

On 20 February 2007, applicants filed the renewed petition which was accompanied by, *inter alia*, an affidavit by Collin Evans and exhibits A - D.

DISCUSSION

A petition under 37 CFR 1.47(a) requires: (1) the petition fee; (2) factual proof that the missing joint inventor cannot be located or refuses to cooperate; (3) a statement of the last known address of the nonsigning joint inventor; (4) and an oath or declaration executed by the signing joint inventors on their behalf and on behalf of the nonsigning joint inventors. Items (1) and (3) were completed in the initial petition.

Regarding item (2), applicants' further efforts have shown that a diligent effort was made to locate the nonsigning inventor. Documentary evidence was provided. As such, item (2) of 37 CFR 1.47(a) is now satisfied.

Concerning item (4), the 37 CFR 1.47(a) applicant submitted a declaration signed by one of the two co-inventors on behalf of themselves and the nonsigning joint inventor. This declaration complies with 37 CFR 1.497(a) and (b). Item (4) is also satisfied.

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All requirements of 37 CFR 1.47(a) are complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 26 July 2004 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 20 February 2007.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record and will be published in the Official Gazette.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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